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EXAMINER

NGUYEN, C

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 20

Application Number: 09/939,185
Filing Date: 09/29/97
Appellant(s): Goldschmidt Iki et al.

MAILED

JAN 11 2001

Technology Center 2100

Gordon R. Lindeen III
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed on October 23, 2000.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

It has a statement that there are none.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

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(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that all of the claims 43, 45-48, 60-63, 65, 67-69, 71-72, 74-80, 82, 84-88 and 90; claims 55-56 and 59; claims 44, 57 and 73; claims 58, 64, 66, 70, 81, 83 and 89 stand or fall together appellant's brief does include reasons (brief, pages 6, statement).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

5,889,506

LOPRESTI et al.

3-1999

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(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 43-48, 55-57 and 59-90 are rejected under 35 U.S.C. 102(e) as being anticipated by Lopresti et al. (US Patent No. 5,889,506).

Regarding claim 43, Lopresti's VIDEO USER'S ENVIRONMENT discloses a graphical user interface for presenting data associated with an entertainment program, textual data about the entertainment program (see col 4, lines 22-44), a first multimedia identifier corresponding to the entertainment program and selectable to deliver associated entertainment system data (see figures 2-3), the entertainment system data receivable from a plurality of sources in a plurality of source-specific multimedia data formats and stored in a first location in association with the first multimedia identifier according to a translated unitary data format (see col 5, lines 1-64).

Regarding claim 44, Lopresti discloses wherein the stored entertainment system data further comprises a plurality of traits wherein each trait includes an identifier portion to provide a generic description of the trait and a data portion to provide specific data related to the trait (see col 6, lines 1-52).

Regarding claims 45 and 46, Lopresti discloses wherein the entertainment system data includes radio station information and the first multimedia identifier is selectable multimedia identifier is selectable to deliver a critique of the entertainment program to be rendered responsive to deletion of the first multimedia identifier (see col 9, lines 10-61 and figures 12-16).

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Regarding claims 47 and 48, Lopresti discloses a second multimedia identifier corresponding to a theme song of the entertainment program to be rendered responsive to selection of the second multi-media identifier (see col 10, lines 21-54).

As claim 49 differs from claim 1 in that "a storage medium having stored thereon a plurality of programming instruction to rendered a GUI fro presenting data associated with an entertainment program" which read on col 6, lines 18-52 and figure 5).

As claims 50-54 are analyzed as previously discussed with respect to claims 43-49 above.

Regarding claim 55, Lopresti discloses a data parse to receive plurality of entertainment, and to translate the entertainment system data into a unitary data format a data engine to receive the translated entertainment system data from the parser and stored the translated entertainment system data into a database; and a graphical query interface to access the entertainment system database (see col 12, lines 29-65 and figures 17-19).

As claims 56-57 and 59 are analyzed as previously discussed with respect to claims 43-49 and 58 above.

As claims 56-57 and 59-63 are analyzed as previously discussed with respect to claims 43-48 and 58 above.

Regarding claims 64-66, Lopresti discloses television program information received from a broadcast source and the second entertainment system data source is a remote web server (see col. 10, lines 65-67 and figures 7, 14.)

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Regarding claims 67-71, Lopresti discloses at least one of the name of a TV show, the time that the show will be broadcast, a list of cast member, a video clip, theme of the show and webpage for the show (see col 9, lines 10-61 and figures 12-16).

Claims 72-90 are a method claims that corresponds to apparatus claims 43-48 and 55-59 and thus are rejected for the aforementioned reason.

2. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lopresti.

Regarding claim 58, Lopresti do not explicitly teach the data portion includes a uniform resource locator (URL) associated with data in a second location external to the database, but it would have been obvious that the system enhanced video graphical user interface or video user environment of Lopresti to provide an alternate from the Global network.

(11) Response to Argument

At page 8 of the brief, appellant attempts to distinguish "A GUI for presenting data associated with an entertainment selection" from Lopresti's "implementing as an audio/video system having an enhanced video user interface or video user environment", arguing that Lopresti fails to explicitly anticipate "multimedia identifier that is selectable to display data about the program from another data source". However, what is actually recited in independent claims 43 and 55 are for a multimedia identifier that is selectable to display data about the program from another data source. This can be anticipated as reading on Lopresti "included in these functions is an on-screen programming feature, allowing the user to select programs for viewing or recording

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by entry of user-drawn annotations or commands via the writing surface. The enhanced video user environment comprises an audio/video control apparatus that selectively performs predetermined audio/video control functions according to the user's selection or instruction. The control apparatus is preferably designed with a port for coupling to a video display apparatus, such as a television, or projection system or monitor." see col. 2, lines 20-52 and figures 5-7.

At page 9 and 10 of the brief, appellant argues that Lopresti does not teach or suggest "textual data about the entertainment selection". However, the limitations as claimed clearly anticipate as in the prior art that "the user can search for the ID based on the entry in the text string region. This is done by typing the desired text string using a soft keyboard brought up by tapping on the keyboard icon. The keyboard icon preferably appears as a standard QWERTY keyboard resembling a conventional keyboard found on a personal computer. When the keyboard is used to enter a text string, the system finds an exact match in the list of IDs by searching for the character string entered by the user".

At page 11 of the brief, Appellant argues that Lopresti does not teach or suggest "a GUI for representing program information". However, the limitations as claimed clearly anticipate as in the prior art that "the video user interface has been shown in reduced detail as including a command bar and a user interactive panel.."

At page 13 of the brief, Appellant argues that the Lopresti fails to anticipate or teach "the entertainment system data comes in a plurality of different multimedia data formats. However, the

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limitations set forth to rely upon "The audio/video control may also be coupled to other equipment such as VCR, laser disc player and multimedia computer. There is a wealth of entertainment and information technology that can be coupled to the audio/video control. These media are preferably connected by conventional cabling to the audio/video control. The audio/video control thus operates as the audio/video signal switching and processing center for the system. If the user has selected the VCR as the source of program content, the audio and video signals from the VCR are switched through audio/video control and communicated through port to display, the audio/video control is preferably capable of handling multiple tasks concurrently.."

At page 13 of the Remarks, Applicant argues that the obviousness of Lopresti fails to teach or suggest "a source of entertainment data to be linked to a URL". However, the limitations as claimed that it was well known in the art to provide a source of entertainment data to be linked to a URL. It would have been obvious to one having skill in the art to provide a user an multimedia or entertainment URL to link to the web browser.

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Conclusion

For the above reasons, it is believed that the rejection of claims 43-48, 55-57, 59-90 are rejected under 35 U.S.C 102 (e) and claim 58 is rejected under 35 U.S.C. 103 are proper and should be sustained.

Respectfully submitted,

C. Nguyen
January 9, 2001.


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